IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.754 OF 2005

The State of Maharashtra ...Applicant

Versus

Atul Yashwant Thakur & Ors. ...Respondents

.....

Mr.A.S.Gadkari, A.P.P. for Applicant.

Mr.A.P.Mundargi for Respondents.

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CORAM: A.M.KHANWILKAR, J.

MARCH 10, 2005.

P.C.

1. Heard Counsel for the parties.

2. By this Application, State has questioned the correctness of the order passed by the Sessions Judge, Raigad dated 23rd July 2004 releasing the Respondents on anticipatory bail.

3. At this distance of time, I see no propriety in considering the correctness of the view taken by the Sessions Judge while releasing

the Respondents on anticipatory bail. However, this Application ought to succeed on the limited ground that the Anticipatory Bail granted by the lower Court will enure only till the filing of the charge-sheet. The lower Court has not indicated in the order as to the tenure of the Anticipatory Bail granted to the Respondents. In view of the recent pronouncement of the Apex Court, that is not permissible.

4. Accordingly, this Application succeeds to the limited extent that the Anticipatory Bail granted in favour of the Respondents will enure only till the filing of the charge-sheet.

5. On filing of the charge-sheet, the Respondents may apply for regular bail before the appropriate Court, which will have to be considered on its own merits, in accordance with law, uninfluenced by any observation in the order passed by the Sessions Court or for that matter, the present order.

A.M.KHANWILKAR, J.